THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 6679 of 2006

10.04.2006

Between:

M/s.Gear Up Engineering Constructions, Secunderabad, rep. by its Managing Partner.

…Petitioner

And

The Appellate Dy.Commissioner, Punjagutta Division, Hyderabad & another.

….Respondents.

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 6679 of 2006

ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

The petitioner filed an appeal against the order of assessment which was dismissed on 15th of February 2006 by the appellate authority on the ground that the pre-condition for filing of appeal i.e. deposit of 12.5% of the disputed tax had not been complied with. This is not disputed by the petitioner, but he submits that the petitioner could not arrange the amount and subsequently, however, these amounts were deposited on 28th March 2006.

In these circumstances, we allow the writ petition, set aside the order passed by the appellate authority on 15th February 2006 and restore the appeal to file. The appellate authority may dispose of the appeal on merits.

(BILAL NAZKI,
J)

10th April 2006

(G.CHANDRAIAH,J)

N.B:-
Order by wire at party's cost.
(B/o)
ajr